

Decision 01-09-065 September 20, 2001

## BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Southern California Edison Company (U338-E) for Authority to Institute a Rate Stabilization Plan with a Rate Increase and End of Rate Freeze Tariffs.	Application 00-11-038 (Filed on November 16, 2000)
Emergency Application of Pacific Gas and Electric Company (U 39 E) to Adopt a Rate Stabilization Plan.	Application 00-11-056 (Filed on November 22, 2000)
Petition of the Utility Reform Network for Modification of Resolution E-3527.	Application 00-10-028 ABX1 Implementation (Filed on October 17, 2000)

**ORDER GRANTING REHEARING OF DECISION (D.) 01-03-009  
AND VACATING DECISION**

On March 19, 2001 Pacific Gas and Electric Company ("PG&E") applied for rehearing of Decision (D.) 01-03-009 ("Decision"). D.01-03-009 affirms that pursuant to Water Code section 81034 the Department of Water Resources (DWR) is responsible for setting its revenue requirement and the Commission must allow DWR to timely recover that amount through rates.

We have carefully considered all the arguments presented by PG&E and although we are not convinced that legal error has been demonstrated, we find that the Decision serves no useful purpose at the current time. Therefore, we are vacating D.01-03-009.

D.01-03-009 is little more than the Commission's statutory interpretation of certain provisions of AB 1X (Assembly Bill 1 from the First Extraordinary Session). At the time the Decision was issued in March, it was a first step in our efforts to implement

AB 1X. In the Decision, we acknowledge certain responsibilities under the statute. The legal obligations stated in the Decision are contained in the provisions of AB 1X.

Although these statutory obligations still exist, the Commission has moved well beyond this preliminary stage in the intervening months. We are now issuing far more expansive Decisions implementing the mandates of AB 1X, in this docket as well as in other dockets. We find that D.01-03-009 is being largely superseded, and does not add any value to our body of decisions implementing AB 1X. We can see no benefit to maintaining and defending an unnecessary Decision.

Therefore, **IT IS ORDERED** that:

1. PG&E's application for rehearing of Decision (D.) 01-03-009 is granted and D.01-03-009 is vacated.

This order is effective today.

Dated September 20, 2001, at San Francisco, California.

LORETTA M. LYNCH  
President  
HENRY M. DUQUE  
RICHARD A. BILAS  
CARL W. WOOD  
GEOFFREY F. BROWN  
Commissioners